

ASSEMBLY BILL

No. 621

Introduced by Assembly Member Smyth

February 21, 2007

An act to amend Sections 72330, 89560, and 92600 of the Education Code, and to amend Section 830.6 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 621, as introduced, Smyth. Universities: reserve peace officers.

Existing law authorizes the governing board of a community college district that establishes a community college police department to also establish a police reserve officer program to supplement that police department.

This bill would authorize the trustees of the California State University and the Regents of the University of California to establish reserve peace officer programs to supplement their respective police departments.

Existing law grants to certain persons who are deputized or appointed as reserve peace officers all the powers of a peace officer, as defined, under certain conditions.

This bill would add persons who are appointed as reserve officers to supplement the California State University and University of California police departments to that provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 72330 of the Education Code is amended to read:

72330. (a) The governing board of a community college district may establish a community college police department under the supervision of a community college chief of police and, in accordance with Chapter 4 (commencing with Section 88000) of Part 51 of Division 7 of Title 3, may employ personnel as necessary to enforce the law on or near the campus of the community college and on or near other grounds or properties owned, operated, controlled, or administered by the community college or by the state acting on behalf of the community college. Each campus of a multicampus community college district may designate a chief of police.

(b) The governing board of a community college district that establishes a community college police department under subdivision (a) may also establish a police reserve officer program to supplement that police department.

(c) ~~Persons employed and compensated~~ *appointed* as members of a community college police department, when so appointed and duly sworn, are peace officers as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(d) The governing board of a community college district that establishes a community college police department shall set minimum qualifications of employment for the community college chief of police, including, but not *necessarily* limited to, prior employment as a peace officer or completion of any peace officer training course approved by the Commission on Peace Officer Standards and Training. A chief of security or chief of police shall be required to comply with the prior employment or training requirement set forth in this subdivision as of January 1, 1993, or a date one year subsequent to the initial employment of the chief of security or chief of police by the community college district, whichever occurs later. This subdivision may not be construed to require the employment by a community college district of any additional personnel.

SEC. 2. Section 89560 of the Education Code is amended to read:

89560. (a) The trustees may appoint one or more persons to constitute a police department for the headquarters and for each campus of the California State University. Persons ~~employed and compensated~~ *appointed* as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, ~~such~~ *those* peace officers shall not exercise their powers or authority except ~~(a) (1)~~ at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University, and ~~(b) (2)~~ as provided in Section 830.2 of the Penal Code.

(b) *The trustees may establish a reserve peace officer program to supplement the California State University police department.*

SEC. 3. Section 92600 of the Education Code is amended to read:

92600. (a) The Regents of the University of California are authorized and empowered to appoint one or more persons to be members of the University of California police department as ~~such~~ *that* police department is constituted on September 19, 1947, or may thereafter be constituted. Persons ~~employed and compensated~~ *appointed* as members of ~~said~~ *that* police department, when so appointed and duly sworn, are peace officers; ~~provided, that such.~~ *However, those* officers shall not exercise their powers or authority except ~~(a) (1)~~ upon the campuses of the University of California and an area within one mile of the exterior boundaries of each thereof, ~~(b) (2)~~ in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California, and ~~(c) (3)~~ as provided in Section 830.2 of the Penal Code.

(b) *The regents may establish a reserve peace officer program to supplement the University of California police department.*

SEC. 4. Section 830.6 of the Penal Code is amended to read:

830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve park ranger, a reserve harbor or port police

1 officer of a county, city, or district as specified in Section 663.5
2 of the Harbors and Navigation Code, a reserve deputy of the
3 Department of Fish and Game, a reserve special agent of the
4 Department of Justice, a reserve officer of a community service
5 district which is authorized under subdivision (h) of Section 61600
6 of the Government Code to maintain a police department or other
7 police protection, a reserve officer of a school district police
8 department under Section 35021.5 of the Education Code, a reserve
9 officer of a community college police department under Section
10 72330, *a reserve officer of the California State University or of*
11 *the University of California under Section 89560 or 92600*
12 *respectively*, or a reserve officer of a police protection district
13 formed under Part 1 (commencing with Section 20000) of Division
14 14 of the Health and Safety Code, and is assigned specific police
15 functions by that authority, the person is a peace officer, if the
16 person qualifies as set forth in Section 832.6. The authority of a
17 person designated as a peace officer pursuant to this paragraph
18 extends only for the duration of the person's specific assignment.
19 A reserve park ranger or a transit, harbor, or port district reserve
20 officer may carry firearms only if authorized by, and under those
21 terms and conditions as are specified by, his or her employing
22 agency.

23 (2) Whenever any qualified person is deputized or appointed
24 by the proper authority as a reserve or auxiliary sheriff or city
25 police officer, a reserve deputy sheriff, a reserve deputy marshal,
26 a reserve park ranger, a reserve police officer of a regional park
27 district, transit district, community college district, *California State*
28 *University or University of California*, or school district, a reserve
29 harbor or port police officer of a county, city, or district as specified
30 in Section 663.5 of the Harbors and Navigation Code, a reserve
31 officer of a community service district that is authorized under
32 subdivision (h) of Section 61600 of the Government Code to
33 maintain a police department or other police protection, or a reserve
34 officer of a police protection district formed under Part 1
35 (commencing with Section 20000) of Division 14 of the Health
36 and Safety Code, and is so designated by local ordinance or, if the
37 local agency is not authorized to act by ordinance, by resolution,
38 either individually or by class, and is assigned to the prevention
39 and detection of crime and the general enforcement of the laws of
40 this state by that authority, the person is a peace officer, if the

1 person qualifies as set forth in paragraph (1) of subdivision (a) of
2 Section 832.6. The authority of a person designated as a peace
3 officer pursuant to this paragraph includes the full powers and
4 duties of a peace officer as provided by Section 830.1. A transit,
5 harbor, or port district reserve police officer, or a city or county
6 reserve peace officer who is not provided with the powers and
7 duties authorized by Section 830.1, has the powers and duties
8 authorized in Section 830.33, or in the case of a reserve park ranger,
9 the powers and duties that are authorized in Section 830.31, and
10 a school district reserve police officer or a community college
11 district reserve police officer has the powers and duties authorized
12 in Section 830.32.

13 (b) Whenever any person designated by a Native American tribe
14 recognized by the United States Secretary of the Interior is
15 deputized or appointed by the county sheriff as a reserve or
16 auxiliary sheriff or a reserve deputy sheriff, and is assigned to the
17 prevention and detection of crime and the general enforcement of
18 the laws of this state by the county sheriff, the person is a peace
19 officer, if the person qualifies as set forth in paragraph (1) of
20 subdivision (a) of Section 832.6. The authority of a peace officer
21 pursuant to this subdivision includes the full powers and duties of
22 a peace officer as provided by Section 830.1.

23 (c) Whenever any person is summoned to the aid of any
24 uniformed peace officer, the summoned person is vested with the
25 powers of a peace officer that are expressly delegated to him or
26 her by the summoning officer or that are otherwise reasonably
27 necessary to properly assist the officer.